



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2405824  
**Applicant Name:** Neill Ainslie  
**Address of Proposal:** 411 30<sup>th</sup> Avenue East

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are as follows: Parcel A) 4,553.1 square feet and Parcel B) 3,935.5 square feet. Existing structures to remain.

The following approval is required:

**Short Subdivision** - To subdivide one existing parcel into two parcels of land.  
(Seattle Municipal Code Chapter 23.24)

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS  
  
   ☐ DNS with conditions  
  
   ☐ DNS involving non-exempt grading or demolition, or  
   involving another agency with jurisdiction.

**BACKGROUND DATA**

Site & Area Description

The 8,488.6 square foot site is located on the west side of 30<sup>th</sup> Avenue East, between East Harrison Street and East Republican Street. The west side of the lot also fronts on Dewey Place East. The site is zoned Residential, Single Family 5,000 (SF 5000) and is currently developed

with a duplex residence and surface parking. The site has 79.92 feet of street frontage along 30<sup>th</sup> Avenue East and 79.92 feet along Dewey Place East. 30<sup>th</sup> Avenue East has a 50-foot right-of-way and is improved with concrete pavement, curb, gutter, sidewalk and planting strip. Dewey Place East has a 30 foot right-of-way and is improved with a concrete pavement, curb, gutter and sidewalk.

The subject property slopes up slightly from 30<sup>th</sup> Avenue East. The elevation changes approximately 4 feet from 30<sup>th</sup> Avenue East to Dewey Place East. The site is not located within any identified designated Environmentally Critical Area (ECA).

Properties in the immediate vicinity are also zoned Single Family 5000. Development in the area consists primarily of single-family houses of varying age and architectural style, consistent with the single-family zoning designation.

### Proposal

The applicant proposes to subdivide one parcel of land into two (2) parcels of land. Proposed parcel sizes would be as follows: Parcel A) 4,553.1 square feet and Parcel B) 3,935.5 square feet. The existing duplex on proposed Parcel A would remain. Two surface parking spaces for the existing duplex will be provided. One space will be located just south of the duplex and will be accessed from 30<sup>th</sup> Avenue East. The other space will be located north of the duplex and will be accessed through a ten foot wide ingress and egress easement from Dewey Place East. These two parking spaces will be established by permit.

Proposed Parcel A would have street frontage on 30<sup>th</sup> Avenue East. Proposed Parcel B will have frontage on Dewey Place East.

No development or construction activities are associated with the current proposal. The subject of this analysis and decision is restricted to the proposed division of land.

### Public Comment

The comment period for this proposal ended on August 25, 2004. During the public comment period, DPD received one written comment. The letters pertained to concerns regarding view blockage because of future development of the proposed parcel.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property's zone (SF 5000) is intended for single-family residential uses with a minimum lot size of 5,000 square feet. Each of the proposed lots is less than this amount however this is permitted because the lots meet an exception from the minimum lot area requirement, commonly referred to as the "75/80 Rule", as stated in Seattle Municipal Code 23.44.010B. The "75/80 Rule" provides lot area exceptions for lots with area at least 75 percent of the zoning requirement and at least 80 percent of the mean area of the building sites on the same block face in the same zone. The proposed parcels meet these requirements. The lots created by this proposed division of land would conform to all applicable development standards of the SF 5000 zoning district. The proposed parcels would provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other applicable Land Use Code development standards.
2. The lots are provided vehicular access to 30<sup>th</sup> Avenue East or Dewey Place East, either directly or over an easement, consistent with the requirements of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension.

Seattle Public Utilities reviewed this short plat application, and Water Availability Certificate #20041170 was issued on August 13, 2004.

The existing duplex located on proposed Parcel A is connected by means of a single sidesewer to an 8-inch public combined sewer (PS) located in 30<sup>th</sup> Avenue East. There is also an 8-inch PS located in Dewey Place East. Either of the PS's will be an appropriate point for stormwater discharge for the proposed parcels. Stormwater plan review requirements will be made at the time of building permit application(s) in accordance with any applicable stormwater ordinances in effect at that time. If the project results in more than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015(D) and 22.802.020, may be required.

4. An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The proposed short subdivision would meet applicable Land Use Code provisions: the proposal has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

The public use and interest would be served by this proposal because additional opportunities for owner-occupied housing would be provided within the City limits as a result of this subdivision. Upon completion of the conditions in this analysis and decision, the proposal would meet all applicable criteria for approval of a short plat.

5. The site is not located in any environmentally critical area as defined in SMC 25.09.240: no environmentally critical areas have been mapped or otherwise observed on the site.
6. This criterion is not application to the proposed short subdivision because there are no trees located on this site.

Future construction is subject to the provisions of SMC 23.44.008, (tree replacement/preservation requirements on single family lots) and SMC 25.11.060 (tree protection requirements for single family lots).

7. This criterion is not applicable to the proposed short subdivision because no unit lots are proposed.

#### **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

The owner(s) and/or responsible party(s) shall:

### **Prior to Recording**

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned. Add the conditions of approval to the face of the plat.
2. Submit the final recording forms for approval and remit any applicable fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (Easement #250428-4-031) on the final short subdivision.
4. Prior to recording, either:
  - a) establish and physically improve required (two) parking spaces on proposed Parcel A, reduce the curbcut on Dewey Place to the maximum allowed width (10 ft.), and remove existing shed; or
  - b) add a note to the face of the plat that prior to issuance of a new construction permit for Parcel B or prior to individual transfer or sale of either parcel A or B, two required parking spaces must be legally establish and physically improved on proposed Parcel A, the existing curbcut on Dewey Place must be reduced to the maximum width allowed (10 ft.), and the existing shed on Parcel B must be removed or be relocated to a conforming location.

### **After Recording and Prior to Issuance of Any Building Permits**

5. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

Signature: (signature on file) Date: October 21, 2004  
Darlene Edwards, Land Use Planner  
Department of Planning and Development